

Claims 1, 4-6 and new Claims 7-9 are now before Examiner.

Examiner noted that Applicants' claims are directed to an invention that is independent or distinct from the invention originally claimed and has required Applicant to elect a single disclosed species for prosecution.

GROUP I – Diopside

GROUP II – Silicate materials having the claimed formula where u, v and w independently range from about 0.1 to about 0.5.

Applicant elects GROUP II with traverse for the following reasons.

Applicant has addressed the issue of the silicate material being diopside and filed Terminal Disclaimers in response to the Office Action, 10/03/2002. Examiner

In response to the Office Action, 10/03/2003, Applicant in trying to clarify the scope of the claim narrowed the range of u, v and w from about "0 to about 0.5" to "0.1 to 0.5." Applicant had intended Claim 1 to read as being "of the formula $K_uNa_vAl_wCa_xMg_ySiO_z$... wherein u, v and w, independently range from about 0 to about 0.5 and wherein at least one of u, v or w has a value of from about 0.1 to 0.5...." Applicant has amended Claim 1 as such and contends he is not introducing new matter.

This is supported in Applicant's Specification on page 4 lines 5-11. Applicant teaches the formula $K_uNa_vAl_wCa_xMg_ySiO_z$... wherein u, v and w, independently range from about 0 to about 0.5. Applicant infers that at least one of potassium, sodium or aluminum are present in the silicate by teaching they independently range from 0 to about 0.5, meaning at least one and possibly all three elements are found in the silicate as exemplified on page 6 of the Specification.

Additionally, Applicant teaches another embodiment of the invention on page 4, lines 10-11

that "the values of u, v and w respectively are about 0 and the values of x and y are preferably 5" indicating Applicant envisioned any of potassium, sodium, aluminum or calcium as being silicates for reducing volatilization of boron and other heavy metals (page 4, lines 1-4).

Support for the Amendment to Claim 1 in which "z is a value which balances the empirical formula" was added to the claim is found in the Specification at page 4, lines 8-9.

CONCLUSION

Based on the Amendment to Claim 1 and the above comments, Applicant contends the invention is not independent or distinct from the invention as originally claimed.

As all rejections are overcome, all claims are believed to be in condition for allowance. An early notice to that effect would be appreciated. Should Examiner not agree with Applicant's position, then a personal or telephonic interview is respectfully requested to discuss any remaining issues and expedite the eventual allowance of the application.

A one (1) month extension fee is believed due for the filing of this amendment. Should any other fees be required, however, please charge such fees to Minerals Technologies Inc. Deposit Account No. 13-3639.

Respectfully submitted,

Date _____

Michael J. Herman

Michael J. Herman
Registration No. 51,289
Agent for Applicant

Version With Markings Showing Changes Made

In the Claims:

1. (Second Amendment) A method for preparing a glass composition, said method comprising forming a batch of glass-forming components by admixing a volatile component source containing a volatile selected from the group consisting of boron and heavy metals; a silicate compound of the formula $K_uNa_vAl_wCa_xMg_ySiO_z$, wherein K is potassium, Na is sodium, Al is aluminum, Ca is calcium, Mg is magnesium, Si is silica, and O is oxygen and u, v and w, independently range from about [0.1] 0 to about 0.5[;] and wherein at least one of u, v or w has a value of from about 0.1 to 0.5; x and y independently range from about 0.1 to about 0.6; z is a value which balances the empirical formula; and other glass-forming components; melting and refining the batch of glass forming components in a furnace [the resultant melt] to obtain a glass composition; wherein [said] the glass composition has a reduced variability of oxides distribution measured at the fee end of [said] the furnace or a reduced loss of [said] the volatile component than a glass composition having an equivalent composition produced without using [said] the silicate compound.